

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY

MARTHA HART, et al,)	
)	CASE NO.: CV99-210774
PLAINTIFFS,)	HONORABLE DOUGLAS E. LONG, JR.
)	SPECIAL MASTER CARL D. GUN, JR.
v.)	
)	
WORLD WRESTLING FEDERATION,)	
et al,)	
)	
DEFENDANTS.)	

AFFIDAVIT OF MANNY CHAVEZ

STATE OF California)
COUNTY OF SAN FRANCISCO) ss

MANNY CHAVEZ, of lawful age, being first duly sworn upon oath,
deposes and states:

1. My name is Manny Chavez. I am Vice President of Motion Picture and TV Production for AQN/Albert G. Ruben and the Walt Disney Studios.

2. In that capacity, I am a Safety Consultant for all film and television productions at Walt Disney, Touchstone, and Hollywood Pictures. My responsibilities are to assure that all of our productions are compliant with governmental health and safety laws, regulations and industry-wide safety standards. This involves the implementation of a safety program that requires our employees to be trained and informed of all potential hazards in the workplace.

3. As a Safety Consultant, I oversee all safety aspects having to do with the making of motion pictures, with special emphasis on productions which require stunts, special effects, aerial operations, and any productions which may expose the studio to a health, safety and environmental risk. These duties include but are not limited to: the inspection of equipment, rigs, sets, props and special effects and stunt sequences, the coordination and documentation of safety meetings and rehearsals for all cast and crew, and assuring that proper personal protective equipment and emergency standby personnel are available when required.

4. I have reviewed the police investigative file and photographs relating to the death of Owen Hart in Kansas City on May 23, 1999. I have also reviewed the deposition testimony of Mr. Edward Kauffman of the WWF.

5. It is my opinion that the World Wrestling Federation departed from entertainment industry standards in not having safety policies and personnel in place at the time of Mr. Hart's death. Standards across the board in the entertainment industry as of May of 1999, including in motion pictures, television, theme parks, and live performances required that appropriate safety standards and personnel be in place. The World Wrestling Federation (WWF) clearly violated this standard by not having safety policies or personnel in place at the time of Mr. Hart's death. This is also based in part on federal and state OSHA standards that mandate a written safety program.

6. In my opinion the failure to have such policies and personnel in place constituted a conscious disregard for the safety and well-being of their performers on the part of the WWF.

7. The fact that the WWF instituted a stunt/safety officer position after Mr. Hart's death is further proof and acknowledgment of their negligence in not doing so earlier, and also demonstrates the feasibility of their having this position in place previously.

8. In my experiences on productions which require the flying and rigging of performers, it is an industry practice to assure that all rigging components (e.g. harnesses, wire rope, rope, shackles, eye-bolts, turnbuckles, carabiners, slings, sheaves, chain etc.) meets ANSI (American National Standards Institute) or equivalent OSHA fall protection standards.

9. The snap shackle used for the stunt was not manufactured in accordance with any approved standard and was being used outside the scope of its intended use. The mere fact that this rigging had a quick release line is an obvious safety consideration, particularly when the performer is working at heights of nearly 80 feet. A locking carabiner is safer, and does not have the potential of an accidental release. It also has the ability to release quickly when the lock is removed. A secondary safety line could have also been used, or even a repelling rig would have accomplished the task in a safe manner.

10. Experience, training and the ability to recognize and select the proper rigging equipment and techniques is absolutely a requirement for this type of performance, and employers are mandated by law to assure that those steps are taken to assure the health and safety of their employees.

11. I have agreed to serve as an expert witness for the Plaintiff in this case, and to give deposition and trial testimony in coordination with my schedule.

FURTHER AFFIANT SAYETH NOT.

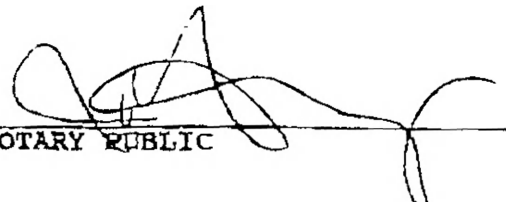
Dated: October 10, 2000



MANNY CHAVEZ

STATE OF California)
COUNTY OF San Francisco) ss

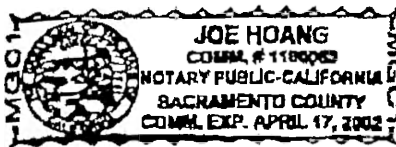
Subscribed and sworn to before me this 10th day of October, 2000.



NOTARY PUBLIC

My commission expires:

April 17, 02



**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY**

MARTHA BLUNT, et al,

PLAINTIFFS,

▼

WORLD WRESTLING FEDERATION,
et al.

DEFENDANTS:

CASE NO.: CV99-210774

HONORABLE DOUGLAS H. LONG, JR.

SPECIAL MASTER CARL D. GUN, JR.

AFFIDAVIT OF BRIAN SMYJ

STATE OF _____)

88:

COUNTY OF _____)

BRIAN KOW, of lawful age, being first duly sworn upon oath,
deposes and states:

1. My name is Brian Smyj. I work as a stunt coordinator within the entertainment industry.

2. My specialty in the stunt industry involves ariel descents and repelling, and in particular setting up and assuring safe equipment and rigging for such stunts.

3. In the film industry, I have done stunt work for films including "Gladiators," "The Cradle Will Rock," "U.S. Marshals," "Species II," "Conspiracy Theory," and "True Lies."

4. I am the only stunt man in the United States certified to rig and repel from a helicopter over Manhattan by the Federal Aviation Administration (FAA). I performed this stunt for the movie "Conspiracy Theory."

5. I also hold the world record for the longest and fastest indoor repel, which took place at the World Trade Center and involved going from the 108th floor to the basement level number 4. This was a demonstration performed at the request of and in coordination with the New York and New Jersey Port Authority for police rescue training.

6. In the TV industry, I have served for several years as stunt coordinator for the "Saturday Night Live" television show. In that capacity, I have personally set up and been responsible for stunts involving various guest stars, including Bill Murray, Gwyneth Paltrow, Alec Baldwin, Jennifer Love Hewitt, David Duchovny, Greg Kinnear, Sting, Pamela Lee Anderson, Mike Myers, Chevy Chase, Tom Hanks, Sylvester Stallone, and Elle McPherson.

7. In my capacity as stunt coordinator for "Saturday Night Live," several months ago I was responsible for the stunt coordination and riggings for a show involving guest stars from the WWF, including "The Rock," "Triple H," and "Mankind." Vince McMahon and his son, Shawn McMahon came along with an entourage, and were present observing backstage for much of the rehearsal and performances. Vince McMahon asked me questions about the stunts and seemed very personally involved in approving the equipment which his performers would be using in these stunts.

8. I have reviewed considerable material in this case including all of the police report documents, photographs, and numerous depositions.

9. I also traveled to Kansas City, Missouri in August of 1999 to personally observe the rigging and costume use for Owen Hart's May 23, 1999 fatal stunt. I also visited the Kemper Arena including the catwalk area where Owen Hart was situated at the time of his fatal fall.

10. As a result of my work in this case, and based on my background and credentials in the field, it is my opinion that the World Wrestling Federation (WWF) grossly departed from accepted standards in the entertainment industry in providing Mr. Hart with deficient rigging personnel and equipment to perform this stunt.

11. In my opinion, the WWF's departures from the standard of care are numerous, outrageous, and egregious, and demonstrate a reckless indifference for and conscious disregard of Owen Hart's life and safety.

12. I had never heard of the rigger Bobby Talbert prior to reviewing this case. In reviewing this case I have learned that he had been employed at the time with the Universal Stunt Show in Orlando, Florida. In the stunt industry, people employed at the Universal Stunt Show are known to be the "bottom of the barrel" people in the industry. They make about \$30.00 per show. In my opinion it was outrageously negligent for the WWF to employ a person with this inadequate background and no feature film or TV experience to have been responsible for Mr. Hart's rigging. There is no question that they could have afforded to hire qualified and experienced people in the stunt industry, and in fact, did prior to this stunt. They were grossly negligent in not having procedures

and personnel in place to adequately check Mr. Talbert's credentials.

13. The rigging system used for Mr. Hart was totally inadequate in several respects. First, it did not involve a backup or safety line, which it definitely should have had. Much of the rigging was inadequate, including the fact that the "span sets" were worn out, and by markings it was obvious that much of the rigging had previously been used for industrial purposes, which would render it inappropriate for human use. These factors demonstrate that the riggers involved were not knowledgeable generally about safety standards in the stunt industry or about OSHA, ANSI, or NFPA standards.

14. It was totally inappropriate and outrageously reckless to use a snap shackle or quick release in this rigging. In an ariel descent of this type only locking carabiners should be used. A quick release is meant to release quickly when loaded, and can release with as little as 8-1/2 pounds of pressure on the release plunger. It was also grossly negligent not to use a back-up safety line. By its very nature a quick release is subject to releasing quickly at any moment.

15. It is my opinion that the WWF management, including Vince McMahon, knew or should have known that there was a high probability that their action in using inadequate equipment and an unqualified stunt rigger would lead to a high probability that Mr. Hart would be injured. It is apparent from Mr. Joe Branan's statement they were specifically advised by Mr. Branan of this potential danger, and found someone who would use the snap shackle they desired anyway. This is outrageous and egregious conduct which demonstrates a complete indifference to and conscious disregard for the safety of the performer Owen Hart.

16. In my opinion the negligence of the WWF was flagrant in nature, and certainly caused Mr. Hart's death.

FURTHER AFFIANT SAITH NOT.


BRIAN SKYS

Dated: 10/9/00

STATE OF Ct)
COUNTY OF Fairfield) ss:

Subscribed and sworn to before me this 9th day of Oct,
2000.


NOTARY PUBLIC

My Commission Expires:

8.31.05

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY

MARTHA HART, et al,

PLAINTIFFS,

v.

WORLD WRESTLING FEDERATION,
et al,

DEFENDANTS.

CLERK NO.: CV99-210774

HONORABLE DOUGLAS E. LONG, JR.

SPECIAL MASTER CARL D. GUM, JR.

AFFIDAVIT OF GARRY FOY

STATE OF Nevada)
COUNTY OF Clark) ss

GARRY FOY, of lawful age, being first duly sworn upon oath,
deposes and states:

1. My name is Garry Foy. I have been employed in the stunt industry specializing in "flying" effects for the past 17 years.

2. I have created flying effects for the musical "Peter Pan," including working for 2-1/2 years with Sandy Duncan in the starring role. I have also rigged flying stunts for Danny Kaye, John Davidson, Nancy Travis, Academy Awards, Pee Wee Herman, among others.

3. I have agreed to serve as an expert witness for the Plaintiffs in the Hart family's case against the World Wrestling Federation arising out of Mr. Hart's death during a live Pay-Per-View event on May 23, 1999.

4. In that capacity, I have reviewed the police investigative file and photographs relating to Mr. Hart's death, and I have come to Kansas City to personally review all of the rigging and customizing used for Mr. Hart's stunt, as well as viewed the Komper Arena where the stunt occurred.

5. Based on my experience and my knowledge of the facts in this case, it is my opinion that the WWP was grossly negligent in the design and performance of Mr. Hart's fatal stunt.

6. The rigging set up used by the WWP for Owen's stunt most definitely did not meet industry standards in several significant respects.

EXHIBIT "C"

7. The snap shackle was a totally inappropriate device for use in this stunt. It is intended by its very nature to fail, i.e., release. No one in their right mind would suspend a human being from the top of an arena with this type of equipment, knowing that it is designed to release quickly and open.

8. A stunt of this type should use at least two separate wires, for redundancy. The system should be designed so that it cannot be inadvertently triggered, as occurred here.

9. Furthermore, the way the rigging was set up with the pull ring to operate the snap shackle being taped to Mr. Hart's spandex costume, simply the weight of his body when suspended and/or his chest movement in breathing or adjusting his costume would inevitably cause the release to be triggered. There is only about eight and one-half pounds (8 1/2 lbs.) of pull and a tiny travel of approximately one-sixteenth of an inch (1/16") required to release this quick release.

10. Furthermore, the fact that Mr. Hart's costuming involved a cape which was tied around his neck and over the rigging line would in and of itself have pulled up on the release pin and caused the snap shackle to release, completely independent of any action or pull on the lanyard. Furthermore, it was a horrible mistake to have the rigging slack when Mr. Hart's costuming was put on and adjusted.

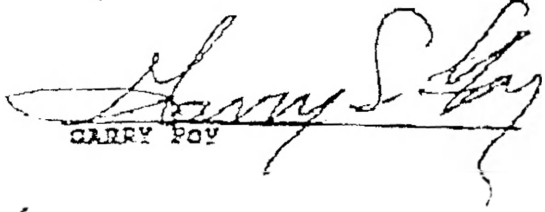
11. In my opinion the gross negligence of the WWF in setting up this stunt violated entertainment industry standards and amounted to recklessness.

12. I had never before heard of a rigger named Bobby Talbert. It is completely obvious from his work in this case that he was not trained or qualified to rig a stunt of this nature.

13. By using inappropriate equipment and personnel the World Wrestling Federation (WWF) demonstrated a complete indifference to the safety of their performers, and created a high degree of probability that Mr. Hart would not survive the performance of this stunt.

FURTHER AFFIANT SAYETH NOT.

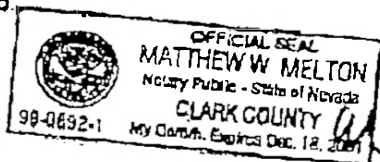
dated: 10/6/00


HARRY FOX

STATE OF Nevada
COUNTY OF Clark } 58

Larry S. [Signature]

Subscribed and sworn to before me this 6th day of April, 2000.



Matthew W. Melton
NOTARY PUBLIC

My commission expires:

Dec. 18, 2001